

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1-5, 7-10, and 12-14 are pending. In the present amendment, Claims 1, 2, 4, and 9 are currently amended, Claims 6 and 11 are canceled without prejudice or disclaimer, and new Claims 13-14 are added. Support for the present amendment can be found in the original specification, for example, at page 12, line 21 to page 13, line 17, and in original Claims 6 and 11. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, the drawings were objected to; the specification was objected to; Claims 1, 3, 4, and 7 were rejected under 35 U.S.C. § 102(b) as anticipated by Japanese Patent No. 3-69757 (hereinafter “JP 3-69757”); Claims 1, 3, 4, and 7 were rejected under 35 U.S.C. § 103(a) as unpatentable over JP 3-69757; Claim 5 was rejected under 35 U.S.C. § 103(a) as unpatentable over JP 3-69757 in view of Japanese Patent No. CN 2425134Y (hereinafter “CN 2425134Y”); Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over JP 3-69757 in view of Monti (French Patent No. 1,324,277); Claims 2, 8, 9, and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over JP 3-69757 in view of Japanese Patent No. 59-59568 (hereinafter “JP 59-59568”); Claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over JP 3-69757 in view of JP 59-59568, and further in view of CN 2425134Y; and Claim 11 was rejected under 35 U.S.C. § 103(a) as unpatentable over JP 3-69757 in view of JP 59-59568, and further in view of Monti.

The outstanding Office Action notes on page 2 that “the lid pivotally supported by a first axis and swingably supported by the second axis (in an open position) must be shown or the feature(s) canceled from the claim(s).” However, it is noted that Claims 1 and 2 recite “an arm attaching the lid to the main body, for the lid *to be operable for opening/closing*, the arm including a first axis to pivotally support the arm relative to the main body around the

opening, and a second axis to swingably support the lid relative to the arm through the back face.” Thus, Claims 1 and 2 do not positively recite that the lid is in an open position. Additionally, a person having ordinary skill in the art, viewing Figs. 4, 5, and 7 would understand how the first axis of the arm pivotally supports the arm and how the second axis swingably supports the lid when the lid is open or closed. Thus, it is respectfully submitted that the current drawings show every feature recited in the claims. However, Applicants hereby attach reference drawings R1 and R2 only for Examiner’s reference and convenience to illustrate an exemplary embodiment of the lid in an open and closed position. Accordingly, it is respectfully requested that the objection to the drawings be withdrawn.

Regarding the objection to the abstract of the disclosure and the title, a new abstract of the disclosure which does not exceed 150 words and an amended title which is indicative of the claimed invention are hereby submitted. Support for the new abstract and amended title can be found on page 1, lines 6-9, on page 3, line 7 to page 4, line 4, and on page 12, line 21 to page 13, line 5. Thus, it is respectfully submitted that no new matter is added. Accordingly, it is respectfully requested that the objection to the specification be withdrawn.

In response to the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a), Applicants respectfully request reconsideration of these rejections and traverse these rejections and traverse these rejections, as discussed below.

Amended Claim 1 recites:

A lid apparatus for opening/closing an opening formed in a main body, the apparatus comprising:

a lid having a working face configured to open/ close the opening, and a back face reverse to the working face;

an arm attaching the lid to the main body, for the lid to be operable for opening/closing, the arm including a first axis to pivotally support the arm relative to the main body around the opening, and a second axis to swingably support the lid relative to the arm through the back face, and the second axis

being disposed between a center of gravity of the lid and the first axis;

a regulatory member configured to intervene between the arm and the back face of the lid, at a regulatory position between the first and second axes, so as to regulate a distance between the arm and the back face of the lid at the regulatory position, such that the working face of the lid is set in parallel with the opening;

a bracket fixed to the back face of the lid; and

a bearing plate supported by the arm pivotally about the second axis,

wherein the bracket and the bearing plate are fixed to each other by a plurality of connecting portions that allow the bracket and the bearing plate to be adjusted in relative positions in a vertical direction.

Thus, Claim 1 is presently amended to include the elements of canceled Claim 6.

Accordingly, the bracket and the bearing plate recited in amended Claim 1 improve the parallelism between the arm and the lid in closing the lid, so that the lid can be operated more reliably. For example, the bracket and the bearing plate can be preset such that, when the lid comes into contact with the sealing member in a horizontal state, the swing arm is also in a horizontal state. It is respectfully submitted that the cited references do not disclose or suggest every feature recited in amended Claim 1.

JP-3-69757 describes a lid apparatus including a main body 2, a lid body 3 that opens/closes the main body, and an arm 29 attaching the lid body to the main body. According to Figure 1 of JP-3-69757, the arm 29 is secured to the lid body 3 by a screw or bolt. Furthermore, the Office Action in section 9 concedes that JP-3-69757 does not disclose a bracket and bearing plate as set forth in Claim 6. Instead, the Office Action relies on Monti to cure the deficiency of JP-3-69757.

Monti describes a lid body device comprising an arm 15 that is supported on an axis 13, which is configured to swing the arm 15 to force it onto a lid 14, thereby maintaining the closed state of the lid 14.¹ The arm 15 described in Monti is connected to a bracket 6, and movement of the arm 15 in a clockwise direction results in the arm 15 being attached to a hook 8.²

However, it is respectfully submitted that Monti does not disclose or suggest “a bracket fixed to the back face of the lid; and a bearing plate supported by the arm pivotally about the second axis, wherein the bracket and the bearing plate are fixed to each other by a plurality of connecting portions that allow the bracket and the bearing plate to be adjusted in relative positions in a vertical direction,” as recited in amended Claim 1.

Instead, as discussed above, Monti uses a hook 8 in order to seal its lid 14. Thus, Monti does not disclose or suggest the use of a bearing plate. On the other hand, the claimed invention uses a bearing and bracket combination to keep the lid in a horizontal position so the lid does not become inclined when it is being moved downward.³ Because the bracket and bearing combination helps keep the lid parallel with the seat member, the lid cannot abrade the sealing member, and an airtight seal results.⁴ Thus, it is respectfully submitted that Monti does not cure the above-noted deficiencies of JP-3-69757.

Therefore, it is respectfully submitted that the combination of JP 3-69757 and Monti does not disclose or suggest every feature recited in amended Claim 1. Thus, it is respectfully requested that the rejection of Claim 1, and all claims dependent thereon, as unpatentable over JP 3-69757 in view of Monti be withdrawn.

Regarding the rejection of Claim 2 as unpatentable over JP 3-69757 in view of JP 59-59568, it is noted Claim 2 is hereby amended to include the subject matter from Claim 11.

¹ See Monti, at Figure 1.

² See Monti, at Figure 1.

³ See the original specification, at page 19, line 19 to page 20, line 7.

⁴ See the original specification, at page 19, line 19 to page 20, line 7.

Thus, Claim 2 recites in part “a bracket fixed to the back face of the lid; and a bearing plate supported by the arm pivotally about the second axis, wherein the bracket and the bearing plate are fixed to each other by a plurality of connecting portions that allow the bracket and the bearing plate to be adjusted in relative positions in a vertical direction.” As conceded in section 12 of the Office Action, JP 3-69757 and JP 59-59568 do not disclose or suggest the claimed bracket and bearing plate. Instead, the Office Action again relies on Monti to cure this deficiency. Accordingly, in view of the above discussion of Claim 1, it is respectfully submitted that JP 3-69757, JP 59-59568, and Monti do not disclose or suggest every feature recited in Claim 2. Thus, it is respectfully requested that the rejection of Claim 2, and Claims 8, 9, and 12 which depend thereon, as unpatentable over JP 3-69757 in view of JP 59-59568 be withdrawn.

Turning now to the rejection of Claim 5 as unpatentable over JP 3-69757 in view of CN 2425134Y, Applicants respectfully submit that CN 2425134Y does not cure the deficiencies noted above with respect to JP 3-69757 and Monti. Therefore, for at least the reasons discussed above with respect to Claim 1, it is respectfully submitted that Claim 5, which depends on Claim 1, patentably defines over the cited references. Thus, it is respectfully requested that the rejection of Claim 5 be withdrawn.

Turning now to the rejection of Claim 10 as unpatentable over JP 3-69757 in view of JP 59-59568, and further in view of CN 2425134Y, Applicants respectfully submit that CN 2425134Y does not cure the deficiencies noted above with respect to JP 3-69757, JP 59-59568, and Monti. Therefore, for at least the reasons discussed above with respect to Claim 2, it is respectfully submitted that Claim 10, which depends on Claim 2, patentably defines over the cited references. Thus, it is respectfully requested that the rejection of Claim 10 be withdrawn.

Turning to the rejections of Claims 6 and 11, as discussed above, these claims are hereby canceled without prejudice or disclaimer. Thus, it is respectfully submitted that these rejections are moot.

Additionally, with regard to amended Claims 1 and 2, Applicants note that foreign applications corresponding to the present application were filed in Korea and China. The Korean application was allowed, from which Korea Patent No. 657066 was issued. In the examination of this Korean application, original Claims 1 and 2 were also rejected under JP 3-69757. However, Claim 6 was not rejected because the Korean Examiner noticed that the comments on Monti set out in the International Search Report were wrong. Consequently, Korea Patent No. 657066 was issued with Claims 1 and 2 including the claim elements of the original Claims 6 and 11.

The Chinese application was also allowed, from which Chinese Invention Patent No. ZL 20038006579.X was issued. In this Chinese application, Claims 1 and 2 were amended with the same amendments as those shown in the present application.

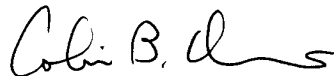
Accordingly, Applicants believe that the comments on Monti set out in the International Search Report are wrong and, as discussed above, Claims 1 and 2, and all claims dependent thereon, patentably define over the cited references.

New Claims 13 and 14 are added by the present amendment. Support for new Claims 13 and 14 can be found in the original specification, for example, at page 12, line 21 to page 13, line 5. Thus, it is respectfully submitted that no new matter is added. It is noted that new Claims 13 and 14 are dependent on independent Claims 1 and 2, respectively. Accordingly, it is respectfully submitted that new Claims 13-14 patentably define over the cited references for at least the reasons discussed above with respect to Claims 1 and 2.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A notice of allowance is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Steven P. Weihrouch
Attorney of Record
Registration No. 32,829

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Colin B. Harris
Registration No. 58,969

SPW/CBH/AHB